

planning

supplement to background



Ontario

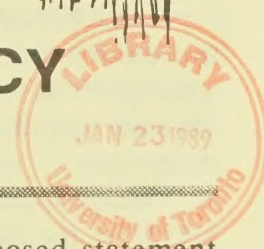
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PROPOSED WETLANDS POLICY STATEMENT RELEASED



On October 12 this past fall, the Ontario Cabinet endorsed the proposed provincial policy statement on Wetlands for release for public consultation.

The draft policy statement was announced in the Legislature the following week and presented to the public for the first time by Natural Resources Minister Vince Kerrio at the Ontario's Wetlands conference held at Ryerson Institute in Toronto on October 21.

Key elements of the proposed statement include provisions for:

(cont'd/...2)

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- the identification and protection of "provincially significant" (i.e. Class I & II) wetlands by municipalities and planning boards across the province
- new land uses to be permitted on or adjacent to Class I & II wetlands, but only if such uses are compatible with existing wetland values.

As in the case of previous proposed policy statements, the draft Wetlands statement has been formulated to provide clear direction to municipalities, planning boards, resource management agencies, special interest groups and the general public on the province's interest in wetlands with respect to community planning.

To this end, direction is provided in the policy statement for:

- local and regional municipalities to identify and protect Class III to VII wetlands at their discretion;
- municipal official plans and zoning by-laws to reflect the policy statement, in the context of overall community planning objectives;
- criteria for evaluating and justifying land use compatibility;
- construction of transportation, communication, sanitation and other public facilities on or affecting Class I & II wetlands.

Further detailed direction is also provided in the associated Implementation Guidelines, which provide information on how the policies in the statement may be reflected in local planning documents.

The proposed statement was developed jointly by the Ministries of Natural Resources, Municipal Affairs, Agriculture and Food, and the Environment. Once formally approved by Cabinet, it will replace the existing Wetlands Guidelines issued by MNR in 1984.

Copies of the proposed statement were distributed this past December to every Ontario municipality, planning board, public agency and

affected special interest group for review and comment. This was the beginning of the current, formal public consultation period required by the Planning Act for all proposed provincial policy statements.

Comments on the proposal are to be forwarded to the Ministries of Natural Resources and Municipal Affairs by JUNE 1, 1989. Following public input, the statement may be revised to reflect comments received. The final document will then be approved by the province and formally issued as a policy statement under the Planning Act.

Once this occurs, municipalities will be expected to reflect the policies and objectives of the statement in their official plans, as these documents are routinely reviewed/amended over the next five years.

In the interim period, municipalities, planning boards and the province will be expected to meet the intent of the draft policy statement.

For further information, contact:

- **MINISTRY OF NATURAL RESOURCES**
Wildlife Branch
Room 4620, Whitney Block
99 Wellesley Street West
Toronto, Ontario, M7A 1W3
(416) 965- 7641
- **MINISTRY OF MUNICIPAL AFFAIRS**
Office of Local Planning Policy
13th Floor, 777 Bay Street
Toronto, Ontario, M5G 2E5
(416) 585-6230

The policy statement is printed in both French and English. Additional copies, as well as copies of the associated Implementation Guidelines, are available from the local field offices of the Ministry of Natural Resources or the Ministry of Municipal Affairs (Community Planning Advisory Branch).

CONSERVATION BATTLE WITH A NEW TWIST IN SCOTLAND

The Flow Country in northeastern Scotland is a huge peat bog: 1,500 square miles of it. Though many Britons have barely heard of the area, it has recently become the focus of what the British press has dubbed the conservation debate of the decade. The "battle of the bogs" involves the usual standoff between developers and conservationists. But what distinguishes the Flows dispute is that the developers do not build subdivisions, extract resources or pollute the environment with industrial waste. They plant forests.

Peculiar climatic circumstances have, over thousands of years, encouraged the growth of sphagnum moss, a springy, fibrous plant that can hold many times its weight in water; it covers the Flows with a living blanket that builds continually on itself and now has a depth of twenty feet or more. The area is by no means ideal for forestry but as land prices in fertile regions have soared, the Flow Country has taken on appeal. Britain imports 85% of its timber and a Forestry Commission has been formed to encourage tree planting. It is the most important landholder in Scotland.

Private forestry of the Flows began in earnest in 1979. Generous government grants and tax incentives made even risky forestry ventures attractive to investors. At first, this development was universally applauded but eventually alarms were sounded, first by the Royal Society for the Protection of Birds and then by the powerful Nature Conservancy Council. The forestation of the Flows was seen as an erosion of a unique world resource, as precious as the Serengeti plain or the Brazilian rain forest.

Although the area has been and still is a bleak, almost uninhabited wilderness, it is fabulous fishing country, attracting fishermen from all over

the world. It is a habitat for a unique array of birds and offers opportunities for hunting red deer and grouse. Conservationists argue that it would be wiser to pursue the tourist and sporting trade; forestry threatens to destroy the resource. The trees are planted in vast rectangular plots, fenced with wire threaded through grey wooden posts. To conservationists they look about as natural as billboards. They point out that over 20 million dollars in public money has been given in grants and tax relief to fewer than a hundred investors, most of them English, including rock stars, a TV talk show host and a London Tory councillor.

Forestry spokespersons claim that forestation would create 2,000 jobs, a significant number in a sparsely populated region with unemployment typically between 15 and 18%.

In July of '87, the Nature Conservancy Council held a press conference in London to announce the publication of a report, "Birds, Bogs and Forestry", proposing a moratorium on forestation in the Flows. On the same day, two government planning agencies, the Highland Regional Council and the Highlands and Islands Development Board held a press conference in Inverness claiming the NCC proposal threatened 2,000 Highland jobs. They favoured a 50 percent increase in tree planting to bring the total forested area up to 15 percent of the region. Conservationists have compared this to cutting away 15 percent of a Rembrandt.

The Secretary of State for Scotland has voiced his intention of safeguarding a substantial area of peat moor, including the most important bog systems and bird habitat. He also said that further forestation can and should proceed.

Source: Ellen Ruppel Shell in *The Atlantic*,
November 1988 (Abridged)

COSTS AWARDED AGAINST GLOUCESTER FOR UNJUSTIFIED PLANNING ACTIONS

In May 1986, Ziad Doau bought a commercial property in the Blossom Park planning district of the City of Gloucester, intending to use it for a convenience store. The existing structure had been used as a barber shop and beauty salon. Before closing the deal, he checked the official plan and the zoning by-law and found that the designation was Local Neighbourhood Commercial (LN) and the zoning was Commercial Convenience (CV).

Mr. Doau submitted a site plan to the planning staff for approval. It was initially approved by the Planning Advisory Committee, on the advice of the planning staff, but the staff recommendation was subsequently revised and the Committee reversed its recommendation. A revised site plan submitted by Mr. Doau found favour with the staff but the favourable recommendation was not accepted by the Council. Council's decision was successfully appealed by Mr. Doau to the Ontario Municipal Board. A building permit was issued and a site plan agreement was executed in May, 1988.

About a week prior to the O.M.B. decision, the city council instructed its staff to rezone the site to Residential Single and Double Dwelling (RSD). No planning report preceded this action, which had been prompted by pressure from residents in the vicinity of the property. An official plan amendment and zoning amendment were submitted by the staff, without recommendation, and were adopted in March, 1988. Mr. Doau appealed and the two documents became the subject of a hearing.

A planning consultant retained by the City explained that the amendments were the beginning of a planning review of the district. He felt Mr. Doau's rights had not been interfered with, since he already had his building permit.

Mr. Doau's counsel clearly disagreed. His client had been put to the expense of the hearing

unnecessarily and he requested costs on a solicitor-client basis.

The Board sided with the appellant. It felt that the basis for the disputed official plan amendment was in contradiction with the general policies of the Blossom Park Secondary Plan, which specifically permits local neighbourhood commercial uses in residential areas. The amendment basis stated that it was council's intent "that the commercial uses of these lands be limited to reduce the future potential for the land uses to conflict with the surrounding neighbourhood". Evidence in support of council's position was adduced by witnesses retained after the amendments were adopted. The Board could not accept that these spot amendments were the beginning of a planning review.

The Board concluded that council's actions were undertaken simply for the purposes of frustrating Mr. Doau. The official plan amendment was not approved, the zoning by-law amendment was repealed and costs were awarded as requested.

The decision is dated October 26, 1988.

Source: Decision of the Ontario Municipal Board
O.P. Amdt. No. 57, Zoning By-law 222-150
Files: O880092 and R880215

CHICKEN AND EX-URBANITES PROBLEM IN BLANDFORD-BLENHEIM

An application to change a zoning designation from "Residential Existing Lot" (RE) to "General Agricultural" (A2-14) was adopted by the Blandford-Blenheim council and appealed by a couple living next door to the applicants.

The applicants proposed to establish a chicken farm on their 8 acres and the by-law included site-specific restrictions. The appellants were the owners of a non-farm residence immediately to the east.

A planner from the County of Oxford gave evidence that, within a half mile, there were 16 non-farm residences and 13 farms. There was a

cluster of 9 non-farm residences in the immediate vicinity of the subject property, but also 5 large intensive poultry or veal operations. Neither the planner, James Hill, nor an Agriculture and Food spokesman, James Miller, felt the proposed operation, designed to raise 495 broilers, was intensive farming. They felt it was a farming use envisaged by the official plan. The official plan designation is "Agricultural Preserve". The applicant is limited to less than 500 birds by his lack of a quota from the marketing board. For four days, he is employed in a factory in Woodstock.

The appellants explained that when they purchased their property, zoned residential, in 1973, there were no animals on the applicant's lands. He had now raised broilers for 3 years and the strong odour had seriously interfered with the use of their outdoor area and swimming pool. Their dog sometimes became quite dirty with manure from running on the neighbour's land. Another neighbour, living next to a poultry operation of 1,800 laying hens on 7 acres, stated that he was prevented from using his outdoor area by the intense smell from the accumulation of manure.

The Board reviewed the evidence and noted that the by-law was in conformity with the official plan, which stresses the priority of agriculture in the County of Oxford. It was strongly supported by the Ministry of Agriculture and Food. The land area was more than adequate for the disposal of waste for the proposed operation.

On October 20, 1988, the Board approved the by-law but added a clause: "Notwithstanding any provisions of By-law 486-82 to the contrary, the lands may be used for the disposal of waste and/or manure provided that such waste and/or manure is ploughed into the land within three calendar days of spreading such waste and/or manure on the lands".

Source: Decision of the Ontario Municipal Board
Carter v Clemence, By-law 727-87
File R870594

F.S.I. INCREASE BY MINOR VARIANCE CHALLENGED IN CITY OF YORK

A minor variance to increase a residential floor space index for one property in the City of York from 0.4 to 0.69 was opposed by a neighbour and appealed.

The owners of the existing house had an opportunity to move next door into a temporarily vacant house while their house was demolished and replaced by a much larger residence. They were vexed by the appeal and asked the Board to dismiss it as frivolous and vexatious and not proceed with a full hearing. The Board denied that motion.

At the hearing, the City's planning administrator expressed support for the application. He stated that the Cedarvale community generally had larger homes and the existing house was too small. He judged the variance to be minor and desirable for the appropriate development of the land and that it would maintain the intent of the official plan and zoning by-law.

The objector, a qualified planner, pointed out that the F.S.I. of 0.4 was characteristic of the R1 zone. The maximum F.S.I. in the R2 zone was 0.6. The difference between the two zones was clearly identified by the difference in the F.S.I. She believed the proposal was out of scale and would offend the City's policy of maintaining the character of existing neighbourhoods.

The Board agreed with the appellant. If the City of York believed that a higher density was appropriate in the community, a rezoning was the appropriate response, allowing all property owners an opportunity to consider such a change. The variance sought, in effect, represented such rezoning in disguise.

The appeal was allowed in a decision dated September 6, 1988.

Source: Decision of the Ontario Municipal Board
49 Warwick Avenue, Fink-Bornstein vs Wiener
File V880372

DILL TOWNSHIP MINISTER'S ZONING ORDER ENFORCEMENT

In 1984 an autobody repairman bought a one acre property in this unorganized township about eight kilometers from the boundary of the Regional Municipality of Sudbury.

The property was zoned Rural in the Minister's Zoning Order which had applied to the whole township for some time. Nearby properties were used for a range of rural uses including residential and a dog kennel.

Neighbours soon started complaining to Ministry of Municipal Affairs staff in Sudbury that the property owner was operating an autobody repair business out of an existing garage on the lot. The Rural zone clearly prohibits such a use.

The autobody shop proprietor applied for an amendment to the Minister's Zoning Order to permit the repair shop. This application was referred to the OMB on an appeal by nearby residents concerned with the noise, fumes, dust and lights associated with the shop.

Staff from the Ministry's Sudbury office inspected the site of the alleged autobody shop many times and, on confirming the neighbours' contentions, issued repeated warnings to the proprietor. The use continued despite the warnings and in February, 1988, in his capacity as a Provincial Offences Officer, the Ministry staff member laid a charge under the Provincial Offences Act.

The use continued even after the first charge was laid. Accordingly, the Provincial Offences Officer laid a second charge in August, 1988.

The lot owner's application for amendment to the Minister's Order was still outstanding on October 25, 1988 when the Provincial Offences Court considered the charges laid. The Court convicted the owner of the repair shop under one charge, imposed a \$50 fine and issued an order prohibiting any autobody shop operation on the land until the OMB decision was made on the amendment application to the Minister's Zoning Order. The defendant was acquitted of the second charge since the evidence did not establish that the vehicle being worked on was other than the lot owner's being repaired as a hobby.

NEWS FLASHES

• Property Standards Information



Two new booklets explaining property standards by-laws enacted under Section 31 of the Planning Act are now available, in English and French.

- INTRODUCTION TO PROPERTY STANDARDS BY-LAWS
- and
- FREQUENTLY ASKED QUESTIONS AND ANSWERS ON PROPERTY STANDARDS BY-LAWS

are available free by writing to :

Property Standards Booklets
Community Renewal Branch
Ministry of Municipal Affairs
13th floor, 777 Bay Street
Toronto, Ontario
M5G 2E5

• Official Plan Reviews

Section 26 of the Planning Act, 1983 requires councils to hold a special meeting to consider the need to update their official plan. Such meetings must be held at least once every five years. As a result of such meetings, official plan reviews are underway in the following municipalities :

- Metro Toronto, the regions of Durham and Hamilton-Wentworth,
- the cities of London, Etobicoke, North York, Burlington, Hamilton, Brampton, Mississauga, Niagara Falls, Welland, St.Catharines, Thorold,

- the towns of Markham, Newmarket, Newcastle, Ancaster, Caledon, Lincoln, Fort Erie, Niagara-on-the Lake,
- the townships of Delhi, Norfolk, West Nissouri, Uxbridge, Neebing,
- the Parry Sound Planning Area (Parry Sound and the townships of Carling, Foley and McDougall).

● Jargon Update

You have to keep up on the jargon if you want to understand what planners are talking about or if you want to impress and confuse an audience yourself. Here's a couple of current buzz-words:

Penturbia - a term used to describe the result of a fifth wave of population migration out of urban areas. It refers to a trend by middle and upper-income families, usually from major cities, to relocate in rural communities that have special potential for economic growth or an amenity factor.

Jargon (cont'd)

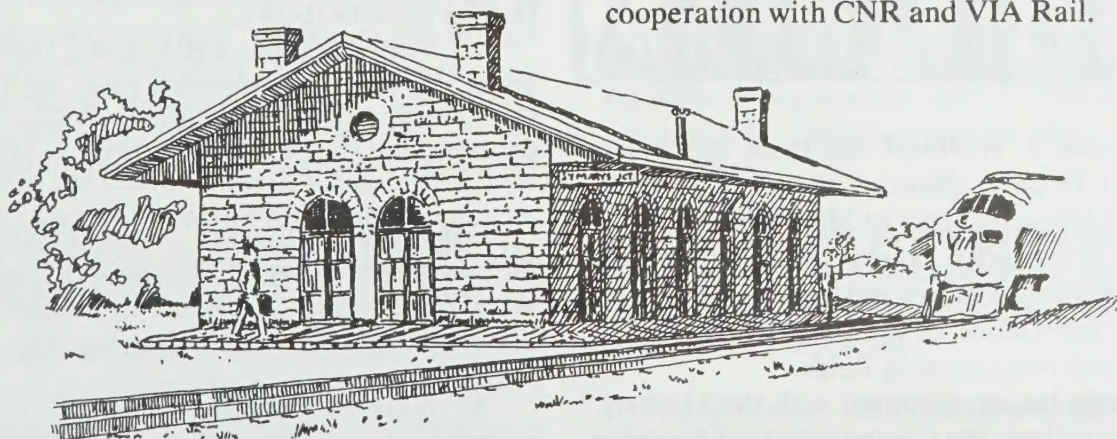
Charrette - a simple French word meaning a cart. Currently favoured by architects to describe an all-night or longer brain-storm to solve a problem. Not to be outdone, planners have started to adopt the word and the Ontario Professional Planners Institute is currently leading a week-long design charrette on the Toronto waterfront. What's the derivation? There's a French expression "rencontre en charrette" meaning "to be buttonholed by a bore" - no, that can't be it. "Charrette" is also specifically a type of cart used to transport drawings. French architectural students refer to the intense final effort made to complete an architectural problem in an allotted time as a "charrette". A design for an affordable house came out of a Toronto Homebuilders Association "charrette" and was dubbed the Charrette house. Municipalities have not been turning welcoming cartwheels for it.

● Heritage Railway Station Protection Act

Bill C 205 has now been given Royal Assent. It requires authorization for the removal or altering, selling or otherwise disposing of designated railway stations unless the disposal is from one railway company to another. The alteration of designated heritage

features is similarly restricted. The Act is administered by Environment Canada but our own ghost town expert, Ron Brown, will be happy to discuss it. Call 585-6273.

He can tell you about Planning for Heritage Railway Stations, a 1987 report by the (then) Ministry of Citizenship and Culture and the Ontario Heritage Foundation, in cooperation with CNR and VIA Rail.



INFO EXCHANGE

Mississauga Medical Parking Standards

A study of the parking demand associated with the practices of physicians, dentists and chiropractors has been undertaken by the City of Mississauga. The results were incorporated in an amendment to the zoning bylaw. The study is described in an article by Julius Gorys in the Institute of Traffic Engineers Journal for February 1988. A report on the subject was prepared for the Mississauga council.

Contacts: John Calvert, City of Mississauga, (416) 896-5727
Julius Gorys, Ontario Ministry of Transportation
(416) 235-4083

Scarborough Design Brief on Service Stations

The Scarborough planning department has produced a simple, clear, concise pamphlet on the design of corner service stations. It can be obtained by calling (416) 396-7334 or by writing to: 150 Borough Drive, Scarborough M1P 4N7.

Peterborough on Affordable Housing

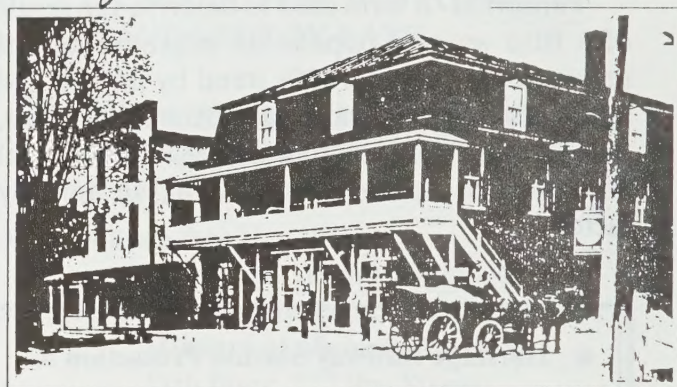
The Mayor's Committee on Affordable Housing in Peterborough has produced a report to council and, in concert with the Ministry of Housing, an "Agreement for Provincial/Municipal Housing Co-Operation between the City of Peterborough and the Ontario Ministry of Housing".

Contact: John W. Wood, Corporate Planning Officer,
(705) 748-8820

CITY OF SCARBOROUGH
PLANNING DEPARTMENT
DESIGN DIVISION

Design BRIEFS

NO 2



CORNER SERVICE STATION DESIGN

PHOTO COURTESY OF ARTIST GAIL G. CAVANA

PEOPLE



Kenneth J. Whitwell has been appointed Assistant Deputy Minister of the Community Planning Wing, Ministry of Municipal Affairs.

Mr. Whitwell's career has spanned the Maritimes to the Prairies and he brings to his new position experience in the planning, computer systems and programming fields.

Prior to his appointment with the Ministry, Mr. Whitwell was the Commissioner of Planning for the City of Scarborough for eight years. He

also held positions with the City of Toronto as Chief Planner in the Policy and Research Division from 1972 to 1980 and with the City of Halifax from 1971-1972.

Mr. Whitwell holds a B.A. and a Diploma in Town and Regional Planning from the University of Toronto and a Master's degree in City Planning from the University of Manitoba.

Congratulations are in order for **Nick Tunnacliffe** whose appointment to succeed John Wright as Ottawa-Carleton's Commissioner of Planning was confirmed on October 12.

At Waterloo Region, **Paul Mason** was promoted from senior planner to Director of Development.

E.M.(Ted) Gill has been promoted to the position of Director of Engineering Planning for the Region of Hamilton-Wentworth.

East York has finally got around to making a decision on filling its vacant Planning Director position. The successful candidate is **Richard Thomaszewicz**, who comes from the consulting firm of R.E. Winters. Before that he was with the Town of Oakville.

The Director of Land Use Control for North York is **Peter Cheatley**, who was promoted from senior planner.

The City of Toronto's new policy planner is **David Ferguson**, a transportation specialist who moved a short distance, from Metro Planning's transportation division. Another short move is **Keith Vogl's**, who went from Niagara-on-the-Lake to Grimsby to be their planning administrator.

Tareef Talala is now Fort Erie's planning officer. He worked previously for the County of Prince Edward as a junior planner under the Ontario Municipal Training Program.

Edward Berry is Fort Frances' first planning administrator. He comes from the federal government's Indian Affairs Department, where he was a district superintendent for land management.

May Gabbour has become the planner for the Township of Cambridge in Prescott and Russell. Prior to her appointment, she was in private consulting. **Beth Hemens**, who was with Mark Dorfman for two years, has moved to Ottawa and has joined the firm of Haigis/McNabb/De Leeuw. Her replacement in Waterloo is **Bruce Anderson**, who is returning to Dorfman's practice after working some time for the County of Bruce.

Daphne Hope is now the senior planner in Proctor & Redfern's Ottawa office. She has been with the Ministry's Community Planning Advisory Branch for the past five years and

before that she was with Natural Resources. Her predecessor at P. & R. was **Ruth Ferguson**, who moved to Ainley & Associates in Belleville.

Mike Brown, having spent 12 years as vice-president of Haigis/McNabb/De Leeuw Ltd./Delcan has joined Macdonald Developments in Ottawa as manager of land development.

"Landmark Planning Associates" is the name chosen by **Darryl Tighe** and **Peter Josephs**, formerly with Greer Galloway in Peterborough, for their own consulting firm in that city.

Several planning personnel changes are announced in the Town of Ajax : **Kenneth Chan** has been promoted to the new position of manager of planning services, **Michael Skelly** has joined the department from Caledon and two technicians have been hired : **Dave Meredith** and **Gus Galanis**.

Greg Dworak has moved from the Town of Pickering to the City of Brantford, where he is a Planner II in Current Development.

The new regional planner at the Region of Halton is **Brian Hudson**, who was previously a planner with the County of Wellington.

Bill McAdams is now Director of Planning and Development for Lush Realty Corporation in Burlington.

Mississauga has recently filled three one-year contract positions; the successful applicants were **Frances de Souza**, **Theresa Kerr** and **D'Arcy Rahkola**. **Doug Corbett** moved from the policy division to fill the advertised development planner position.

Grey County's planning department has added **Pat Munro (McLean)** to its staff in the Owen Sound office. She was with the Grey Sauble Conservation Authority.

Bruce County has hired **Jim Ganosch** away from Oxford County. **Craig Manley** has also

moved from Oxford; he has joined the consulting firm of MacNaughton Hermson.

Larry Cotton has joined the Township of Tecumseth as its first staff planner. He comes from private practice and was previously with the United Counties of Stormont, Dundas and Glen- gary and with the County of Renfrew.

Terry Edwards is now Mara Township's Plan- ner. He comes from G.M.Sernas and was with the Town of Newcastle for several years before that.

The Town of Newmarket has hired **Dan Stevens**, fresh out of Ryerson, to be a Planner I.

Ken Tamminga is now a senior planner and landscape architect with Hough, Stansbury & Woodland; he was previously with Totten Sims Hubicki in Cobourg.

Jim Malcolm is already back as Secretary and CAO at the municipal board. He had merely been filling in as Acting Director of the Small Claims Services Branch for a colleague on an extended leave.

In the Ministry's Community Planning Wing, **Victor Doyle** has come to Plans Administration from the City of Kitchener ; **George Soares**, **John Marshall** and **Michael Mizzi** have also joined the permanent staff after being on contract for a

while. Other new faces are **Barbara Ryter**, who has moved from the Ministry of Housing and **Bob Blunt**, a recent grad from Queen's.

Ralph Schnurpel has left the Ministry's Com- munity Renewal Branch to become a project development officer with the Durham Region Non-Profit Housing Corporation. **Kyle Benham** is now with the City of Toronto's Neighbour- hoods Division; he was previously with the Ministry's Community Planning Advisory Branch in Willowdale.

Correction

It was **Norah Jamieson** from M.N.R.'s Minden District who replaced Stephen Fahner at the Upper Thames River Conservation Authority, not **April Ionson** as we reported last time. April Ionson replaced Paul Hinde .

We mourn the passing of **Bob McCabe** last August, at the age of 67. Bob worked for the City of Toronto before going into consulting and eventually earning a PH.D. and teaching full- time at the University of Toronto.

The next issue of the Planning Supplement to Background is scheduled to appear in mid- April. If you have information for our "People" or "Information Exchange" columns, please call Pierre Beeckmans at (416) 585-6257 or drop him a line at

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